

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KEVIN W. STACY,)	
)	
v.)	No. 2:05-0041
)	Judge Nixon
JO ANNE B. BARNHART, Commissioner)	Magistrate Judge Brown
of Social Security.)	
)	

ORDER

Pending before the Court is Plaintiff's Motion for Judgment on the Administrative Record (Doc. No. 11), to which Defendant has responded in opposition (Doc. No. 15). The Court has received the Magistrate Judge's comprehensive Report and Recommendation ("Report") in the above-styled matter, recommending that the Court deny Plaintiff's Motion for Judgment on the Pleadings and affirm the decision of the Commissioner. (Doc. No. 16.)

Plaintiff filed objections to the Report (Doc. No. 17), to which the Defendant has not responded. Plaintiff sole objection is that "the Administrative Law Judge misapplied the treating source rule and that [Plaintiff's] mental illness does indeed meet or equal the listings." (Doc. No. 17 at 1). This is the very same objection that Plaintiff raised in his motion for Judgment on the Administrative Record. Nevertheless, the Court has reviewed de novo those portions of the Report and Recommendation to which the Plaintiff objects. See 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b).

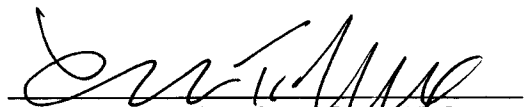
The Magistrate Judge's report thoroughly and aptly deals with Plaintiff's objection. Consequently, the Court agrees with the Magistrate Judge's finding that the Plaintiff's objection to the ALJ's decision is without merit, and that substantial evidence exists in the record to support the ALJ's decision. The Court hereby **OVERRULES** Plaintiff's objection, and **ADOPTS**

the Magistrate Judge's Report and Recommendation in its entirety.

Accordingly, Plaintiff's Motion for Judgment on the Administrative Record is DENIED and the decision of the Commissioner is AFFIRMED. This action is hereby DISMISSED.

It is so ORDERED.

Entered this the 6th day of July, 2006.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT